



In The Court of Judge Judge Special Court NDPS and
Additional Sessions Judge-7, Nagpur.

Presided over by
Shri. P. M. Nagalkar.

I.A.No.1 of 2024.

Exh.32

In

Spl. Case No.620 Of 2022.

CNR No: **MHNG010120502022**

Crime No.385 of 2022, P. S. GRP Nagpur.

Sonam d/o Shakil Ahmad
V/s
State of Maharashtra.
(Through P.S.GRP Nagpur.)

Order below Exh.32
(Date: 20th January 2024)

1. This is an application for issuance of directions as applicant/accused Sonam D/o Shakil Ahmad **be released on bail**, U/Section 439 of the Code of Criminal Procedure. Applicant/applicant Sonam D/o Shakil Ahmad is booked in Crime No.385 of 2022, for the offences punishable U/Sections 20(B)ii(C) and 29 of the NDPS Act.
2. Perused the application along with documents annexed here with and say/report of Investigating Officer/APP. Heard both the sides at length.
3. It is contended that applicant Sonam is accused No.1 in this Crime and have been falsely implicated in this case. It is submitted that

charge-sheet filed and without any having material the prosecution have been initiated. This is her first application and there is no any other application before the Hon'ble High Court or any other Court.

4. The say filed by the prosecution at Exh.35. It is contended that the applicant was travelling in train coach no.5 and on being inquiry about the baggage with her not given proper answer. On search the bag found huge quantity of alleged contraband of Ganja was found. On inquiry it is revealed that these accused No.1 to 6 were made available to them by the accused No.7 Aakash. He was travelling along with eight passengers. After following due process seizure was made. Considering the fact that all those accused persons collectively in collusion with had carried huge quantity of contraband which is commercial quantity. Hence, application be rejected.
5. In the light of this facts emerged, submissions by the parties and material on the record, the following points arise for determination before this Court. The said points and the findings thereon which follow the reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the applicant/accused Sonam D/o Shakil Ahmad, made out the case as to issuance of direction as to be released on bail , in the given set of facts?	...No.
2.	What order?	...Application Rejected as per final order.

REASONS***As to the point no.1:***

6. On going through the record FIR was lodged on the basis of complaint of railway police GRP Nagpur on 09/06/2022. The information was received and search was made in train no.20805. The said train came at platform no.1 at Nagpur at around 11.45 hours and from S-5 coach some pungent smell search was made and found Ganja. On inquiry no satisfactory answer given hence, search was made in presence of panchas and following due process it appears that the accused Sonam Shakil Ahmad and other accused persons were also interrogated, Mohammad Asif Ahmad Shakil who was with the applicant having sky bag. In the said bag several packets were found and wrapped with cello tape. On opening it was found that quantity of more than 2 Kg sample were taken.
7. As such moreover at the same time other passengers were travelling along with the applicant and on search found contraband. The details given in the FIR. The seizure panchnama was prepared in presence of panchas and accused persons.
8. Apparently the accused persons were arrested and now charge-sheet filed and total contraband found in eight different bags which were carried by the present accused and along with other is of 106.807 Kg. All these accused persons were travelling jointly as already role of each accused found stated in the FIR. As such there is case of commercial quantity. It is the settled law that for the grant of bail Section 37 of the NDPS Act has to be considered. Section 37 provides to condition for grant of bail.
9. As such conditions imposed in Section 37 that the opportunity to the prosecution must be given and second one as if the application

opposed then it is incumbent upon the accused as to show that there is no reasonable ground for believing that the accused is not guilty of such offence. The reasonable ground must be construed as with credible and plausible ground.

10. As such the the statement of applicant that charge-sheet filed and trial is yet to be commenced itself cannot be the ground. There is nothing on record to show that no circumstances attributed to him as she was not found with alleged contraband and not concerned with either of the accused. Hence, there is apparently no reason as to held that applicant/accused Sonam is not involved in the present crime. Hence, this Court is of opinion that this is not fit case to discretion of bail. Hence, the finding of point no.1 is recorded as “Negative”. Consequently, proceed to pass following order.

ORDER

1. Application is hereby rejected.

Dictated and pronounced in open Court.

Date : 20th January 2024

(Pramod M. Nagalkar)
Judge, Special Court NDPS Act,
Nagpur.

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Case Argued on	19.01.2024
Judgment dictated on	20.01.2024
Transcription Ready on	20.01.2024
Order Checked and signed on	20.01.2024

CERTIFICATE

I affirm that the contents of this PD.F. file Judgment are same, words to word, as per original Judgment.

Name of the Stenographer : Mr. S. M. Likhitkar

